

FILED

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

10 AUG 20 AM 9:36

for the
District of New Mexico

CLERK - LAS CRUCES

United States of America

v. *manuel*

Juan GALLEGOS

^

Defendant

Case No.

10-2272 mj

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 08/18/2010 in the county of Dona Ana in the _____ District ofNew Mexico, the defendant violated 21 U. S. C. § 841(a)(1)

x an offense described as follows:

Knowingly and intentionally possess with the intent to distribute a controlled substance, a quantity less than 5 kilograms, to wit: approximately .745 kilograms (1.64 Pounds) of cocaine, a schedule I substance.

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out herein.

☒ Continued on the attached sheet.
Complainant's signature

Omar Chavarria, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/20/2010City and state: Las Cruces, New Mexico

Judge's signature

Karen B. Moizen

U.S. Magistrate Judge

Printed name and title

Attachment A

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Omar Chavarria, being duly sworn, do hereby depose and state as follows:

I am employed as a Special Agent (SA) with the Drug Enforcement Administration (DEA). While employed as a Special Agent (SA) with the DEA, I received specialized training in narcotics investigations and identification and was designated by the Attorney General to be empowered with Title 21 authority, which authorizes me to seize and arrest anyone for violations of the Controlled Substances Act.

I have personally participated in this investigation and I am thoroughly familiar with the information contained in this affidavit either through personal investigation or through discussions with other law enforcement personnel. All of these facts are true and correct to the best of my knowledge.

On August 18, 2010, Border Patrol agents D. Lefand, E. Ramirez, J. Garcia Jr. and M. Cintron were assigned to the Alamogordo, NM checkpoint located on Highway 54, south of Alamogordo, NM for the 6pm to 2am shift.

At approximately 9:30 PM, a Los Paisanos bus (number 1604, destination: Dodge City, Kansas) entered the checkpoint for inspection. Border Patrol Agent (BPA) Eduardo Ramirez boarded the bus to conduct an immigration inspection of the passengers. BPA Ramirez noticed a passenger fidgeting and avoiding eye contact when he passed by his seat to inspect the other passengers.

After checking the citizenship of the other passengers, BPA Ramirez approached the individual that was avoiding eye contact. BPA Ramirez questioned the individual as to his citizenship. The individual, later identified as Juan GALLEGOS, handed BPA Ramirez a torn up El Paso, Texas, Certification of Birth along with his High School ID. BPA Ramirez noticed that GALLEGOS's hand was visibly shaking when he presented his documents. GALLEGOS freely stated he was coming from El Paso, Texas, and was headed to Garden City, Kansas. During their conversation, BPA Ramirez noticed that GALLEGOS kept fidgeting in his seat. BPA Ramirez asked GALLEGOS how long he would be staying in Garden City. GALLEGOS replied he would be staying for a day or two, and that he would be staying there to visit some friends. BPA Ramirez asked GALLEGOS if he had any luggage with him. GALLEGOS stated it was in the luggage compartment of the bus.

BPA Ramirez noticed GALLEGOS had a small red pillow on his lap. When questioned about the luggage, GALLEGOS moved his legs to show BPA Ramirez that he did not have any luggage and then put the pillow behind his back. BPA Ramirez asked GALLEGOS if he could inspect the pillow. GALLEGOS gave consent and handed BPA

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Ramirez the pillow. BPA Ramirez felt a brick-like object hidden in the pillow and asked GALLEGOS what it was. GALLEGOS stated it was "coke". BPA Ramirez escorted GALLEGOS off the bus for further investigation.

BPA J. Garcia Jr. cut open the pillow and discovered a bundle wrapped in plastic cellophane. Once inside the checkpoint, GALLEGOS was read his Miranda rights as per government form I-214. GALLEGOS signed the form acknowledging he understood his rights.

A small portion of the white powdery substance was taken from the bundle and was field tested by BPA Lefand. The substance tested positive for the characteristics of cocaine. The bundle weighed 1.64 pounds total.

At approximately 9:00 AM, Juan GALLEGOS was again advised of GALLEGOS' Miranda rights by SA Omar Chavarria as per DEA Form 71, witnessed by SA Anna Richardson. GALLEGOS was advised in the Spanish language. GALLEGOS stated to SA Chavarria and SA Richardson that GALLEGOS understood GALLEGOS' rights and signed the DEA Form 71 confirming this. GALLEGOS stated that GALLEGOS was willing to provide a statement and signed the DEA waiver of rights form.

GALLEGOS stated that GALLEGOS was hired by an unknown male FNU LNU nicknamed "Beto" to transport the cocaine from El Paso, Texas to Dodge City, Kansas. GALLEGOS stated GALLEGOS met "Beto" in Juarez, Mexico and that GALLEGOS would be paid \$3,000.00 USC for the transportation of the cocaine. GALLEGOS further stated that on Tuesday, August 17, 2010, GALLEGOS met "Beto" at a gas station located in Clint, Texas where GALLEGOS received the cocaine. GALLEGOS stated GALLEGOS was instructed by "Beto" to take a bus to Dodge City and once at that location GALLEGOS would be contacted by an unknown individual to deliver the cocaine. GALLEGOS stated GALLEGOS was subsequently apprehended while traveling on the bus to deliver the cocaine. OCT

On August 19, 2010 SA's Chavarria and Richardson transported GALLEGOS to the Dona Anna County Detention Facility. On May 19, 2010 the defendant was processed into the Dona Anna Detention Facility in Las Cruces, New Mexico, on the narcotics violations.

Omar Chavarria SA
